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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600
Paper No 13

In re Application of
Steve E. Warner et al.
Application No. 09/752,136
Filed: December 27, 2000
For: VARIABLE SPEED DRIVE SYSTEM

:
: DECISION ON PETITION
: TO WITHDRAW THE
: HOLDING OF ABANDONMENT

This is in reply to applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office on July 14, 2003.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely respond to the Office action dated September 25, 2002.

Any petition to withdraw the holding of abandonment based upon a Certificate of Mailing must include the following requirements:

- (1) A copy of a response bearing a signed Certificate of Mailing which includes the date of signing; and
- (2) A statement attesting to the personal knowledge of transmitting the response on the date indicated on the Certificate of Mailing (see 37 CFR 1.8 and MPEP 512).

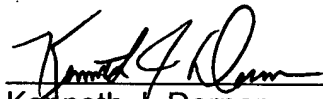
In response to a Notice of Abandonment dated June 30, 2003, the applicant submitted the instant petition. Applicant's petition indicates that on December 26, 2002 applicant mailed a response to the Office and provides a copy of the submission showing a Certificate of Mailing dated December 26, 2002 which would be a timely filed response given the holiday on December 25, 2002.

However, a statement attesting to the personal knowledge of transmitting the response on the date indicated on the certificate, by the person who signed the certificate is required. See 37 CFR 1.8(b)(3).

Applicant also provides with the petition a postcard showing a receipt date of December 31, 2002 however this is not a timely showing in response to the Office Action mailed September 25, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Ken Dorner at (703) 308-0866

A handwritten signature in black ink, appearing to read "Kenneth J. Dorner", is written over a horizontal line.

Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
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KJD/ekn 10/10/03